

AMENDED IN SENATE JUNE 26, 2009

AMENDED IN ASSEMBLY MAY 14, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 564

**Introduced by Assembly ~~Member Portantino~~ Members Portantino
and Bonnie Lowenthal**

February 25, 2009

~~An act to amend Section 40802 of the Vehicle Code, relating to vehicles.~~ *An act to amend Section 11999.6 of the Health and Safety Code, relating to substance abuse.*

LEGISLATIVE COUNSEL'S DIGEST

AB 564, as amended, Portantino. ~~Speed traps: local street or road.~~ *Substance Abuse Treatment Fund: prohibition of excessive salaries.*

Existing law, the Substance Abuse and Crime Prevention Act of 2000, was enacted by the voters at the November 2000 general election. Amendment of the act by the Legislature requires a $\frac{2}{3}$ vote of both houses of the Legislature. The act requires all amendments to further the act and be consistent with its purposes. The act creates a Substance Abuse Treatment Trust Fund to provide moneys to cover county costs associated with drug treatment programs, as specified. The act also requires annual and long-term effectiveness and financial impact studies on the programs funded by the act as well as periodic audits of the expenditures.

This bill would provide that the moneys in the Substance Abuse Treatment Trust Fund shall not be used to provide a special benefit that is unreasonable under the circumstances to any private person or

entity because of his, her, or its relationship to a nonprofit corporation receiving funding from the fund, including excessive executive compensation, as specified.

~~Existing law relating to speed traps provides that a local street or road is defined by the latest functional usage and federal-aid system maps submitted to the federal Highway Administration, except that when these maps have not been submitted, or when the street or road is not shown on the maps, a “local street or road” means a street or road that primarily provides access to abutting residential property and meets 3 specified conditions.~~

~~The bill would provide that, within the city limits of the City of Pasadena, a “local street or road” also includes a street or road within a “residence district” that meets the 3 specified conditions referred to above.~~

~~The bill would make findings and declarations concerning the need for special legislation.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. It is the intent of Legislature in enacting this act*
 2 *to reinforce the goals of Proposition 36 of the November 2000*
 3 *statewide general election by ensuring that money directed by the*
 4 *voters for drug treatment should be used for that purpose and not*
 5 *to provide large salaries to the executives of large drug treatment*
 6 *facilities.*

7 *SEC. 2. Section 11999.6 of the Health and Safety Code is*
 8 *amended to read:*

9 11999.6. (a) Moneys deposited in the Substance Abuse
 10 Treatment Trust Fund shall be distributed annually by the Secretary
 11 of the Health and Human Services Agency through the State
 12 Department of Alcohol and Drug Programs to counties to cover
 13 the costs of placing persons in and providing drug treatment
 14 programs under this act, and vocational training, family counseling,
 15 and literacy training under this act. Additional costs that may be
 16 reimbursed from the Substance Abuse Treatment Trust Fund
 17 include probation department costs, court monitoring costs and
 18 any miscellaneous costs made necessary by the provisions of this
 19 act other than drug testing services of any kind. Incarceration costs

1 cannot be reimbursed from the fund. Those moneys shall be
2 allocated to counties through a fair and equitable distribution
3 formula that includes, but is not limited to, per capita arrests for
4 controlled substance possession violations and substance abuse
5 treatment caseload, as determined by the department as necessary
6 to carry out the purposes of this act. The department may reserve
7 a portion of the fund to pay for direct contracts with drug treatment
8 service providers in counties or areas in which the director of the
9 department has determined that demand for drug treatment services
10 is not adequately met by existing programs. However, nothing in
11 this section shall be interpreted or construed to allow any entity
12 to use funds from the Substance Abuse Treatment Trust Fund to
13 supplant funds from any existing fund source or mechanism
14 currently used to provide substance abuse treatment. In addition,
15 funds from the Substance Abuse Treatment Trust Fund shall not
16 be used to fund in any way the drug treatment courts established
17 pursuant to Article 2 (commencing with Section 11970.1) or Article
18 3 (commencing with Section 11970.4) of Chapter 2 of Part 3 of
19 Division 10.5, including drug treatment or probation supervision
20 associated with those drug treatment courts.

21 *(b) (1) Funds from the Substance Abuse Treatment Trust Fund*
22 *shall not be used to provide an individual or entity with any special*
23 *benefit that is unreasonable under the circumstances because of*
24 *his, her, or its relationship to any nonprofit corporation receiving*
25 *funding from the fund, including excessive compensation to*
26 *directors, officers, or employees of any nonprofit corporation*
27 *receiving that funding.*

28 *(2) In order to effectuate this subdivision, the following*
29 *requirements shall apply to the compensation of any executive of*
30 *a nonprofit corporation providing services under this division:*

31 *(A) The amount of any grant of funds under this section which*
32 *can be used for executive compensation may not exceed 1 percent*
33 *of the value of the grant multiplied by the percentage of total*
34 *revenues received by the corporation for substance abuse treatment*
35 *activities that come from public sources. However, if this*
36 *calculation yields an amount less than one-quarter of 1 percent*
37 *of the value of the grant, an amount that does not exceed*
38 *one-quarter of 1 percent of the grant may be used for executive*
39 *compensation.*

1 (B) No grant of funds under this section shall be used for
2 executive compensation for anyone who collects rent from a
3 treatment facility in an amount that exceeds 1 percent of the value
4 of the grant.

5 SECTION 1. Section 40802 of the Vehicle Code is amended
6 to read:

7 40802. (a) A “speed trap” is either of the following:

8 (1) A particular section of a highway measured as to distance
9 and with boundaries marked, designated, or otherwise determined
10 in order that the speed of a vehicle may be calculated by securing
11 the time it takes the vehicle to travel the known distance.

12 (2) A particular section of a highway with a prima facie speed
13 limit that is provided by this code or by local ordinance under
14 subparagraph (A) of paragraph (2) of subdivision (a) of Section
15 22352, or established under Section 22354, 22357, 22358, or
16 22358.3, if that prima facie speed limit is not justified by an
17 engineering and traffic survey conducted within five years prior
18 to the date of the alleged violation, and enforcement of the speed
19 limit involves the use of radar or any other electronic device that
20 measures the speed of moving objects. This paragraph does not
21 apply to a local street, road, or school zone.

22 (b) (1) For purposes of this section, a local street or road is
23 defined by the latest functional usage and federal-aid system maps
24 submitted to the federal Highway Administration, except that when
25 these maps have not been submitted, or when the street or road is
26 not shown on the maps, a local street or road means a street or
27 road that primarily provides access to abutting residential property
28 and meets the following three conditions:

29 (A) Roadway width of not more than 40 feet.

30 (B) Not more than one-half of a mile of uninterrupted length.
31 Interruptions shall include official traffic control signals as defined
32 in Section 445.

33 (C) Not more than one traffic lane in each direction.

34 (2) For purposes of this section, “school zone” means that area
35 approaching or passing a school building or the grounds thereof
36 that is contiguous to a highway and on which is posted a standard
37 “SCHOOL” warning sign, while children are going to or leaving
38 the school either during school hours or during the noon recess
39 period. “School zone” also includes the area approaching or passing
40 any school grounds that are not separated from the highway by a

1 fence, gate, or other physical barrier while the grounds are in use
2 by children if that highway is posted with a standard “SCHOOL”
3 warning sign.

4 (e) For purposes of this section, in addition to the definition of
5 a local street or road as specified in paragraph (1) of subdivision
6 (b), within the city limits of the City of Pasadena, a local street or
7 road may also be defined as a street or road within a residence
8 district that meets all of the following three conditions:

9 (1) Roadway width of not more than 40 feet.

10 (2) Not more than one-half of a mile of uninterrupted length.
11 Interruptions shall include official traffic control signals as defined
12 in Section 445.

13 (3) Not more than one traffic lane in each direction.

14 (d) (1) When all of the following criteria are met, paragraph
15 (2) of this subdivision shall be applicable and subdivision (a) shall
16 not be applicable:

17 (A) When radar is used, the arresting officer has successfully
18 completed a radar operator course of not less than 24 hours on the
19 use of police traffic radar, and the course was approved and
20 certified by the Commission on Peace Officer Standards and
21 Training.

22 (B) When laser or any other electronic device is used to measure
23 the speed of moving objects and the arresting officer has
24 successfully completed the training required in subparagraph (A)
25 and an additional training course of not less than two hours
26 approved and certified by the Commission on Peace Officer
27 Standards and Training.

28 (C) (i) The prosecution proved that the arresting officer
29 complied with subparagraphs (A) and (B) and that an engineering
30 and traffic survey has been conducted in accordance with
31 subparagraph (B) of paragraph (2). The prosecution proved that,
32 prior to the officer issuing the notice to appear, the arresting officer
33 established that the radar, laser, or other electronic device
34 conformed to the requirements of subparagraph (D):

35 (ii) The prosecution proved the speed of the accused was unsafe
36 for the conditions present at the time of alleged violation unless
37 the citation was for a violation of Section 22349, 22356, or 22406.

38 (D) The radar, laser, or other electronic device used to measure
39 the speed of the accused meets or exceeds the minimal operational
40 standards of the National Traffic Highway Safety Administration;

1 and has been calibrated within the three years prior to the date of
2 the alleged violation by an independent certified laser or radar
3 repair and testing or calibration facility.

4 (2) A “speed trap” is either of the following:

5 (A) A particular section of a highway measured as to distance
6 and with boundaries marked, designated, or otherwise determined
7 in order that the speed of a vehicle may be calculated by securing
8 the time it takes the vehicle to travel the known distance.

9 (B) (i) A particular section of a highway or state highway with
10 a prima facie speed limit that is provided by this code or by local
11 ordinance under subparagraph (A) of paragraph (2) of subdivision
12 (a) of Section 22352, or established under Section 22354, 22357,
13 22358, or 22358.3, if that prima facie speed limit is not justified
14 by an engineering and traffic survey conducted within one of the
15 following time periods, prior to the date of the alleged violation,
16 and enforcement of the speed limit involves the use of radar or
17 any other electronic device that measures the speed of moving
18 objects:

19 (I) Except as specified in subclause (II), seven years.

20 (II) If an engineering and traffic survey was conducted more
21 than seven years prior to the date of the alleged violation, and a
22 registered engineer evaluates the section of the highway and
23 determines that no significant changes in roadway or traffic
24 conditions have occurred, including, but not limited to, changes
25 in adjoining property or land use, roadway width, or traffic volume,
26 10 years.

27 (ii) This subparagraph does not apply to a local street, road, or
28 school zone.

29 SEC. 2. The Legislature finds and declares that this act, which
30 is applicable only to the City of Pasadena is necessary in order to
31 permit the City of Pasadena to determine the speed limit for a local
32 street or road providing access to a residence district. It is,
33 therefore, declared that a general law within the meaning of Section
34 16 of Article IV of the California Constitution cannot be made
35 applicable and that the enactment of this special law is necessary
36 for the public good.